Source: http://scc.lexum.umontreal.ca/en/2003/2003scc10/2003scc10.html

Reference re Earth Future Lottery, [2003] 1 S.C.R. 123, 2003 SCC 10

IN THE MATTER of a Reference from the

Lieutenant Governor in Council pursuant to

section 18 of the *Supreme Court Act*,

R.S.P.E.I. 1988, c. S-10, regarding the Earth

Future Lottery and section 207 of the

***Criminal Code* of Canada, R.S.C. 1985, c. C-46**

Attorney General of Prince Edward Island and Earth Fund *Appellants*

v.

Attorney General of Canada, Interprovincial Lottery

Corporation, the Ontario Lottery and Gaming Corporation,

Loto-Québec, Western Canada Lottery Corporation and

British Columbia Lottery Corporation *Respondents*

and

Attorney General of Ontario and Attorney General

of Quebec *Interveners*

Indexed as: Reference re Earth Future Lottery

Neutral citation: 2003 SCC 10.

File No.: 29213.

2003: March 11.

Present: McLachlin C.J. and Gonthier, Iacobucci, Major, Bastarache, Binnie, Arbour, LeBel and Deschamps JJ.

on appeal from the court of appeal for prince edward island

Criminal law — Gaming and betting — Lotteries — Lieutenant Governor in Council issuing licence to charitable organization to conduct lottery — Lawfulness of Internet lottery scheme.

APPEAL from a judgment of the Prince Edward Island Court of Appeal (2002), 211 Nfld. & P.E.I.R. 311, 633 A.P.R. 311, 166 C.C.C. (3d) 373, 215 D.L.R. (4th) 656, [2002] P.E.I.J. No. 34 (QL), 2002 PESCAD 8, finding a lottery scheme unlawful. Appeal dismissed.

Cyndria L. Wedge and *Brian A. Crane*, *Q.C.*, for the appellant the Attorney General of Prince Edward Island.

Marlys A. Edwardh, *Richard Litkowski* and *Marshall Pollock*, *Q.C.*, for the appellant Earth Fund.

Robert W. Hubbard and *Paul B. Adams*, for the respondent the Attorney General of Canada.

Michael L. Phelan and *D. Michael Brown*, for the respondents the Interprovincial Lottery Corporation et al.

Scott C. Hutchison, for the intervener the Attorney General of Ontario.

Joanne Marceau and *Pierre Lapointe*, for the intervener the Attorney General of Quebec.

The judgment of the Court was delivered orally by

1 THE CHIEF JUSTICE — It will not be necessary to hear from the respondents or the interveners. The Court would dismiss the appeal, substantially for the reasons of the Chief Justice of Prince Edward Island. The appeal is dismissed.

Judgment accordingly.

Solicitor for the appellant the Attorney General of Prince Edward Island: Office of the Attorney General, Charlottetown.

Solicitors for the appellant Earth Fund: Ruby & Edwardh, Toronto.

Solicitor for the respondent the Attorney General of Canada: Department of Justice, Ontario Regional Office, Toronto.

Solicitors for the respondents the Interprovincial Lottery Corporation et al.: Ogilvy Renault, Ottawa.

Solicitor for the intervener the Attorney General of Ontario: Crown Attorney Office, Toronto.

Solicitor for the intervener the Attorney General of Quebec: Department of Justice, Sainte-Foy.